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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/115,654	07/15/1998	YOSHINORI SHIBATA	98092	1628

7590

11/24/2003

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/115,654

Applicant(s)
Shibata

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 25, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-29, and 33-54 is/are pending in the application.
- 4a) Of the above, claim(s) 51 and 52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 18, 19, 21, 22, 26, 27, 33-35, 37, 40, 41, and 44-47 is/are allowed.
- 6) ☒ Claim(s) 12-17, 23-25, 28, 29, 36, 38, 39, 42, 43, 48-50, 53, and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The amendment filed August 25, 2003 has been entered.

Election/Restriction

2. This application includes claims 51 and 52 directed to an invention non-elected by original presentation (see paper no. 24). To place this application in condition for allowance, these claims must be canceled.

Claim Rejections - 35 USC § 112

3. Claims 53 and 54 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As best understood from the claims, the original disclosure does not provide support for a “means for moving a saw unit” as set forth in claim 53 and 54, and it is suggested to change “moving” to --supporting-- or the like.

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Claim Rejections - 35 USC § 112, 2nd paragraph

4. Claims 12-17, 23-25, 28, 29, 36, 38, 39, 42, 43, 48-50, 53 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 2, “said first lock means and second lock means” is vague, and it is suggested to insert --said-- before “second” for clarity.

In claim 23, line 10, “the vertical pivot axis of the apparatus” is vague, and it is suggested to change “apparatus” to --saw blade-- or the like (e.g., as in line 12).

In claim 25, line 2, the recitation “a first detector plate” is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of “first sensor”, and it is suggested in line 1, to change “further comprising” to -- , wherein--, in line 2 to insert --the first sensor includes-- before “a first detector plate”, also in line 2 to insert --and-- before “wherein”, and in line 3 to insert --further-- before “includes”; similarly, in line 8, the recitation “a plurality of second parallel identification bars” is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of “second sensor”, and it is suggested in line 7 to change “pattern and” to --pattern; and wherein--, and in line 8 to insert --the second sensor includes-- before “a plurality”.

In claim 28, line 3, “a first actuator” is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of “first lock”, and it is suggested in line 1

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to insert a comma --,-- after “27”, in line 2 to delete “further comprising:”, and in line 3 to insert --wherein the first lock further comprises-- or the like.

In claim 36, lines 4-5, the recitation of “a table surface” renders the claim vague and indefinite, particularly in view of the previous recitation of “workpiece supporting means”, and it is suggested in lines 4-5 to change “a table surface” to --the workpiece supporting means--, and in line 7 to change “table surface” to --workpiece supporting means-- or the like.

In claim 38, line 12, the recitation “towards the workpiece supporting means” renders the claim vague and indefinite as to what is being set forth, and it is suggested to simply delete it.

In claim 42, line 1, “further comprising” is vague as to what it refers, and it is suggested to insert --wherein the lock-- before “further”, and to change “comprising” to --comprises-- or the like.

In claim 48, line 20, “the saw” lacks positive antecedent basis, and --unit-- should be inserted after “saw”.

In claim 49, line 1, “further comprising” is vague as to what it refers, and it is suggested to insert --wherein the second lock-- before “further”, and to change “comprising” to --comprises-- or the like, in line 2 to insert a comma --,-- after “shaft holder”, also in line 2 to insert --second-- before “sensor”, in line 4 to insert --second-- before “sensor”; in lines 4 and 5, “the saw” lacks positive antecedent basis, and --unit-- should be inserted after each occurrence of “saw”.

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In claim 50, line 3, “the saw” lacks positive antecedent basis, and --unit-- should be inserted after “saw”.

In claim 53, line 6, the recitation “proximally to the saw blade” renders the claim vague and indefinite as to what is being set forth and appears to be inaccurate; in line 7, “means for communicating the detection” is vague and indefinite as to what disclosed structure it refers; in line 9, “means for actuating the lock” is vague and indefinite as to what disclosed structure it refers.

In claim 54, line 7, “means for communicating the detection” is vague and indefinite as to what disclosed structure it refers; in line 9, “means for actuating the lock” is vague and indefinite as to what disclosed structure it refers.

Allowable Subject Matter

5. Claims 1-11, 18, 19, 21, 22, 26, 27, 33-35, 37, 40, 41, and 44-47 are allowable over the prior art of record.

6. Claims 12-17, 23-25, 28, 29, 36, 38, 39, 42, 43, 48-50, 53 and 54 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
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cfd
November 24, 2003